THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No. 2773 OF 2006

20-03-2006

Between:

M/s.Venkateswara Cool Drinks, Darsi, rep. by its Proprietor.

……Petitioner

And

The Joint Commissioner of Commercial Taxes (Legal), Hyderabad & Others.

…..Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No. 2773 OF 2006

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ORDER : (Per Hon'ble Sri Bilal Nazki, J)

Heard learned counsel for the parties. With their consent, the writ petition is being disposed of at this stage.

The controversy is that pending an appeal, application for stay was dismissed by the competent authority. We have gone through the record. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that 25% of the disputed tax liability shall be paid by the petitioner by or before 31.3.2006. The remaining 25% of the disputed tax liability shall be paid within two weeks thereafter. Till 31.3.2006, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited as directed above. The amount already paid, if any, should be given credit. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is disposed of accordingly.

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(BILAL NAZKI, J)

20th March 2006

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(G.CHANDRAIAH, J)

N.B:-

Order by wire at party's cost.

(B/o)

ajr